

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

EXELA PHARMA SCIENCES, LLC;	)	
EXELA PHARMSCI, INC; and	)	
EXELA HOLDINGS, INC.	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
HON. DAVID J. KAPPOS,	)	
Under Secretary of Commerce for Intellectual	)	
Property and Director of the United States	)	
Patent and Trademark Office and UNITED	)	Civil Action No. 1:12-cv-00469
STATES PATENT AND TRADEMARK	)	
OFFICE;	)	
	)	
Defendants,	)	
	)	
and	)	
	)	
SCR PHARMATOP and CADENCE	)	
PHARMACEUTICALS, INC.	)	
	)	
Intervenors-Defendants.	)	

**PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT**

Plaintiffs Exela Pharma Sciences, LLC, Exela PharmSci, Inc. and Exela Holdings, Inc., (collectively “Plaintiffs”) through their undersigned counsel, respectfully move this Court for summary judgment of Defendants’ violation of the Administrative Procedure Act and of the U.S. Constitution by processing and reviving international patent application number PCT/FR01/01749 and issuing U.S. Patent No. 6,992,218 in contravention of 35 U.S.C. § 371(d). The reasons for granting summary judgment are set forth in the accompanying Memorandum in Support of Plaintiffs’ Motion for Summary Judgment filed herewith.

Dated: October 16, 2012

*Of counsel*  
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/s/

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Holdings, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 16th day of October , 2012, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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/s/

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